

REMARKS

The Examiner's Office Action of July 13, 2005 has been carefully reviewed. The present amendment is fully responsive to said Office Action and the arguments and claim amendments presented herein are made for the purposes of placing the application into a condition for allowance.

The Examiner rejected claim 5 under 35 U.S.C. § 102(b) "as being anticipated by Buell et al. (U.S. Pat. No. 5,255,835)." Insomuch as Applicant has placed claim 5 into dependent format, neither this rejection nor the Buell reference are discussed herein.

Next, the Examiner rejected claims 1-4 and 6-12 under 35 U.S.C. § 103(a) "as being unpatentable over Röder (U.S. Pat. No. 6,334,587) in view of Endo et al. (U.S. Pat. No. 6,018,298)." This basis of rejection is traversed in light of the claim amendments and arguments presented herein.

The present invention is directed to preventing the unauthorized removal of register receipt rolls, which can take the form of thermal paper, from retail stores. As noted in the Background of the Invention at paragraph 003, the theft of receipt rolls is a new form of theft that is plaguing merchants across the country. Individuals steal merchandise in addition to the receipt rolls and then print a phony receipt. The phony receipt is then presented to a merchant along with the stolen goods in exchange for cash or a store credit. As a result of this theft, merchants are going to great lengths to prevent the theft and/or unauthorized removal of register receipt rolls. The present invention is a system and method for preventing such theft.

None of the references relied upon by the Examiner are concerned with stemming this new form of theft. Nor do any of the references cited by the Examiner even deal with register

receipt rolls in general. For example, Endo '298 relates to a general anti-theft system for merchandise. The system contemplates tagging an article with an anti-theft tag that resonates radio waves of a predetermined frequency. Because the system is designed for use with articles to be purchased by consumers, the system allows the resonance circuit to be broken so that tagged items can be removed from the store without sounding an alarm. See Col. 6, lines 14-21. Endo '298 also contemplates the removal of the tag after the protected item has been purchased. See Col. 6, lines 14-21. This can be accomplished, for example, by securing the tag to a sales card. See id. Thus, Endo '298 does not teach or suggest the use of its system in conjunction with items that are never intended to leave a store, such as a register receipt roll. As noted in the claims, the sensor of the present invention is interconnected to a core underneath a wound roll of receipt paper. Thus, there would be no easy way to disable the detector as required in Endo '298. This is because, unlike general merchandise, register receipt rolls are not intended for purchase by consumers and consequently there is no need to disable any associated anti-theft devices. In sum, there is no teaching a motivation to combine the system of Endo '298 with a register receipt roll.

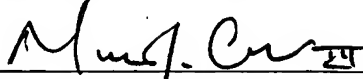
Röder '587 contemplates the use of "code carriers" 21 in conjunction with a tube 3. However, the tubes 3 of Röder '587 are not register receipt rolls, but are elongated tubes for use in rotary printing presses. See Col. 2, lines 10-12. Due to their large size, rolls 3 are moved by way of transport carriages. See Col. 2, line 62; Col. 3, lines 16-19. Because these large rolls cannot be transported by individuals, the associated "code carriers" are not intended for use with a theft deterrence system. Rather, the information conveyed in the system of Röder '587 includes destination information, the remaining length of paper and/or the particularities of the paper. See Col. 3, lines 27-31. There is no teaching or suggestion in Röder '587 for using the

system for theft deterrence.

In contrast to the teachings of Endo '298 and Röder '587, the claims of the present invention are limited to register receipt rolls having a length of between 2 1/4 to 3 1/4 inches. These rolls are susceptible to theft because they can be easily carried off by an individual. There would be no motivation to protect the large rotary printing press rolls of Röder '587 with the anti-theft system of Endo '298. Conversely, there is no motivation in Endo '298 for utilizing its merchandise protection system upon a register receipt roll. Therefore, Applicant kindly requests reconsideration of the Examiner's proposed combination of the Endo and Röder references and the corresponding rejection under 35 U.S.C. § 103.

Applicant submits that claims 1, 2, 5- 12 as amended are now in a condition for allowance. Should any additional issues remain prior to the issuance of a Notice of Allowance the Examiner is encouraged to call the undersigned for the purposes of conducting an interview.

Respectfully submitted,



Michael J. Colitz, III
Registration No. 37,010
Holland & Knight LLP
Suite 4100
100 N. Tampa Street
Tampa, Florida 33602-3644
Telephone: 813/227-8500
Facsimile: 813/229-0134

CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing Amendment A was placed in an envelope and mailed via first class mail, postage paid, to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 13th day of December, 2005.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account Number 50-1667.


Michael J. Colitz, III

3310028_v1